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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

BENIN

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Benin on its implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.48) at its 8th, 9th and 10th meetings, held on 2 and 3 May 2002 (E/C.12/2002/SR.8-10), and adopted at its 24th meeting, held on 15 May 2002, the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report of the State party, which broadly follows its guidelines, and the State party's written replies to the list of issues (E/C.12/Q/BEN/1).

3. The Committee notes with satisfaction that it has embarked on an open and constructive dialogue with the State party's delegation. It regrets, however, that some of the written replies to the list of issues were incomplete, fragmentary or missing and that those given orally during the dialogue were often vague and general.

4. The Committee notes the delegation's promise that more specific information on a variety of economic, social and cultural indicators will be given in the State party's second periodic report.

B. Positive aspects

5. The Committee welcomes the fact that the Constitution adopted in 1990 contains a section devoted to human rights, including certain economic, social and cultural rights.

6. The Committee welcomes the proposal by the head of the State party's delegation that the Committee should send a delegation to the country to take stock of the situation there, the steps taken to give effect to the Covenant and the areas where progress needs to be made, possibly in cooperation with United Nations specialized agencies.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the difficult economic situation that persists in the State party, being due in part to its relatively undiversified economic structure and the effects of the structural adjustment programmes it has followed since 1989 and of its foreign debts.

8. The Committee notes that the prevalence of certain traditions, customs and cultural practices, including those set down in the 1931 Dahomey Code of Customary Law, leads to substantial discrimination against women and girls and prevents them from fully exercising their rights under the Covenant.

D. Principal subjects of concern

9. The Committee is concerned at the fact that, although the 1990 Constitution guarantees certain economic, social and cultural rights, no specific law, apart from the Labour Code, has been adopted to give effect to the rights guaranteed by the Covenant.

10. The Committee is concerned at the serious problem of poverty facing the State party. Despite positive economic growth since 1995, a large proportion of the population is living below the poverty line.

11. The Committee is concerned that, although the 1990 Constitution says that men and women have equal rights (art. 26), women continue to face widespread discrimination, especially where access to employment, land and credit and inheritance rights are concerned.

12. The Committee deplores the inadequate action taken by the State party to combat the persistent practice of female genital mutilation, generally of young women and girls.

13. The Committee deplores the State party's lack of progress in countering practices - in particular, polygamy and the early and forced marriage of girls - which prevent women and girls from exercising the rights which the Covenant accords them.

14. The Committee is concerned at the high unemployment rate in the State party, which especially affects young people, and the dismissals resulting from the privatization or liquidation of a number of national enterprises.

15. The Committee regrets that the minimum wage set by the State party is too little to provide workers and their families with a decent living.

16. The Committee is concerned at the continuing restrictions on the right to strike, particularly those imposed by Ordinance No. 69-14 of 19 June 1969 concerning the exercise of the right to strike.

17. The Committee is particularly concerned at the fact that 80 per cent of workers work in the informal sector, and are therefore not registered and not covered by social security.

18. The Committee is deeply concerned at the practice of *vidomégon* - the placement of children in domestic service in families where they all too often suffer abuse, violence and exploitation. It is also very concerned about the trafficking in children, both within the country and with other States in the region.

19. The Committee is concerned at the large numbers of children who work, and as a result have no access to education.

20. The Committee is concerned at the large number of street children.

21. The Committee is concerned at the lack of a social policy on housing and the lack of low-cost housing. It notes with grave concern that rents are unaffordably high for a large sector of the population, in particular the disadvantaged and marginalized groups, and that houses are demolished without compensation. The Committee is also concerned at the growing number of persons living in the street and in sub-standard housing in shanty towns lacking all basic services.

22. The Committee notes with concern the disparities in living standards between urban and rural areas, given that people living in rural areas have considerably less access to drinking water, sanitation and electricity and that the privatization of water and electricity are leading to a rise in costs.

23. The Committee is concerned at the inadequate health services and the lack of awareness-raising concerning sexual and reproductive health, as a result of which infant and maternal mortality have not been reduced. It is also concerned at the large number of illegal abortions, which are the principal reason for the high maternal mortality rate in the State party.

24. The Committee is concerned at the lack of hospitals and health clinics and at the growing number of unqualified personnel in the health sector, especially in the rural areas.

25. The Committee is concerned at the persistently high illiteracy rate in the State party, which is higher among women than men. It also notes with concern the cultural preference given in educational matters to male children, as can be seen in the markedly higher primary school enrolment rates for boys than for girls.

26. The Committee is concerned at the fact that primary education is not free of charge and that parents pay direct and indirect school fees.

27. The Committee considers it worrying that the State party is not making enough effort to preserve the diversity of languages in the country, and not taking steps to ensure that some of them do not disappear altogether.

E. Suggestions and recommendations

28. The Committee strongly urges the State party to ensure that the Covenant is fully taken into consideration in the formulation and implementation of all measures relating to economic, social and cultural rights and that, in practical terms, legal proceedings may be brought on the basis of its provisions.

29. The Committee recommends the State party to step up its efforts to reduce the impact of poverty among the population, in particular through more equitable distribution of resources and better access to services for those in need. It also urges the State party to include economic, social and cultural rights in its poverty reduction strategy document.

30. The Committee requests the State party to take more energetic and realistic steps to counter inequality between the sexes and discrimination against women in the State party, both in law and in practice. It urges the State party to adopt swiftly the Family Code that has been under discussion in Parliament since 1995.

31. The Committee enjoins the Government to redouble its efforts to end the practice of genital mutilation, in particular by passing a law that makes the practice a punishable offence, by establishing mechanisms for the protection of women and through programmes of education and financial support for practitioners of excision who cease their activities. The State party is invited to indicate in its second periodic report what progress it has made in this area.

32. The Committee enjoins the State party to ban customary practices that violate women's rights and to take energetic action to combat such practices and beliefs by all available means, including educational programmes involving traditional chiefs. The State party should concentrate more on eradicating the practice of polygamy and forced marriages.

33. The Committee urges the State party to take more effective action to reduce unemployment, especially where it affects young people, and to prevent mass dismissals or ensure that they are accompanied by social support measures.

34. The Committee strongly urges the State party to take appropriate action progressively to raise the minimum wage and thus enable wage-earners to meet their families' essential needs.

35. The Committee strongly urges the State party to repeal Ordinance No. 69-14 of 19 June 1969 concerning the exercise of the right to strike, and recommends the State party to restrict bans on the right to strike to essential services, in conformity with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and, in the case of civil servants, to those responsible for keeping order.

36. The Committee recommends the State party to take whatever action is necessary to reduce the proportion of the population working in the informal sector and ensure that the social security system offers workers adequate coverage and minimum pensions.

37. The Committee invites the Government to take all effective legislative, economic and social measures to end the practice of *vidomégon* and to conduct campaigns to alert families, in particular in the poorest parts of the country, to the issue. It urges the State party to step up its efforts to combat trafficking in children, by passing legislation and by entering into agreements with the countries that receive such children.

38. The Committee suggests that the State party should monitor child labour effectively and punish the individuals and business that make use of child labour.

39. The Committee requests the State party to address the problem of street children and to seek to reintegrate street children into society and the school system.

40. The Committee recommends the State party to introduce a consistent public housing scheme, build more low-cost housing for disadvantaged and marginalized people in lower income brackets, arrange for rents for public housing to be regulated and avoid any forced evictions without compensation, and take priority measures for homeless persons and persons living in sub-standard housing in shanty towns, as indicated in the recommendations accompanying its General Comments Nos. 4 and 7.

41. The Committee urges the State party to do whatever is necessary to reduce the current disparities between urban and rural areas, by improving access to water, electricity and sanitation in rural areas and ensuring that water and electricity remain affordable.

42. The Committee urges the State party to improve its health services and undertake programmes on sexual and reproductive education. The Committee invites the State party to address the problem of illegal abortions as a matter of priority.

43. The Committee recommends the State party to establish a global health policy enabling the poorest sectors to have access to free, high-quality primary health care.

44. The Committee recommends the State party to step up efforts to provide girls and boys with equal access to education. It urges the State party to take effective measures to improve the literacy rate, particularly of women.

45. The Committee recommends the State party to undertake, by all available means including technical cooperation, the progressive introduction of free primary education. The Committee appeals to the State party to abide by the provisions of article 14 of the Covenant and to adopt, within two years, a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

46. The Committee urges the State party to get down to the formulation and adoption of a wide-ranging plan of national education for all, as called for in paragraph 16 of the Dakar Framework for Action. It is invited to take account, in formulating and carrying out that plan, of the Committee's General Comments Nos. 11 and 13, and to institute an effective follow-up system. It is invited to seek advice and technical assistance from the United Nations Educational, Scientific and Cultural Organization in formulating and carrying out its plan.

47. The Committee recommends the State party to embark on a general policy of protecting its linguistic heritage.

48. The Committee requests the State party to publicize these concluding observations widely among all sectors of society, in particular civil servants and members of the judiciary, and to give details in its next periodic report of all it has done to respond to them. It also invites it to involve non-governmental organizations and other members of civil society in the preparation of its second periodic report.

49. Lastly, the Committee requests the State party to submit its second periodic report by 30 June 2007, providing detailed information on the action it has taken in response to the recommendations made in these concluding observations.